IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 891 of 2004

Ganesh Vithal Gaikwad .. Appellant

V/s

Mumbai Housing and Area

Development Board ... Respondent

ShriJ.J.Shah for Appellant

Mrs.Geeta P.Mulekar,AGP for Respondent

CORAM:A.S.OKA,J.

DATED:15th Feb. 2005

P.C.:-

1. The learned Counsel for the appellant states that in view of the directions given by this Court on 17-1-2005, the Executive Engineer, Housing Bandra Division, MHADA, Mumbai has passed a speaking order. He states that he wants to amend the plaint and challenge the said order. He states that he will have to take out fresh Notice of Motion for seeking an appropriate interim relief. In view of this position he seeks permission to withdraw this appeal with liberty to take out application for amendment of Plaint in

the trial Court. He prays that ad-interim order passed by this Hon'ble Court on 17-1-2005 may be continued for reasonable time to enable him to take appropriate steps in the trial Court.

2. I heard the learned A.G.P. for Respondent. I find that request of the Appellant is reasonable.

3. Hence the appeal is dismissed as withdrawn. It will be open for the appellant to apply for amendment of the plaint for incorporating the challenge to the order dated 11-2-2005 and if such Application is made, the trial Court will decide the same in accordance with law. It will also open for the Appellant to take out a Notice of Motion praying appropriate interim reliefs.

4. Ad-interim order passed by this Court on 17-1-2005 will continue to operate for a period of four weeks from today.

5. Appeal is disposed of in above terms with no order as to costs.

6. Parties to act on an authenticated copy of this order.

(A.S.OKA,J.)

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